

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID GARZA,

Plaintiff,

v.

Civ. No. 23-1066 MV/KK

LEE DUDEK, Acting Commissioner
of the Social Security Administration,¹

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on United States Magistrate Judge Kirtan Khalsa’s Proposed Findings and Recommended Disposition (Doc. 24), filed February 27, 2025. The parties have not filed any objections. The Tenth Circuit has held “that a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996). The failure to make timely objections to the Magistrate Judge’s Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *Id.* at 1059.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 24) are adopted.

¹ Lee Dudek was appointed as the Acting Commissioner of Social Security on or about February 19, 2025, and is automatically substituted as a party under 42 U.S.C. § 405(g) and Federal Rule of Civil Procedure 25(d).

IT IS FURTHER ORDERED that Mr. Garza's Motion to Reverse and Remand (Doc. 15), is **GRANTED**, the Commissioner's final decision is **REVERSED**, and this matter is **REMANDED** to the Commissioner for further proceedings in accordance with the Magistrate Judge's Proposed Findings and Recommended Disposition and this Order.



MARTHA VAZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE